

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

NICHOLAS LEVI RIANTO
Plaintiff,
v.
UNITED STATES OF AMERICA
Defendants.

No. 1:12-cv-00516-DAD-SKO

**ORDER GRANTING MOTION FOR
EXTENSION OF TIME TO FILE STATUS
REPORT**

(Doc. No. 22.)

I. BACKGROUND

Nicholas Levi Rianto (“petitioner”) is a native and citizen of Indonesia who was a permanent alien resident of the United States. On June 4, 2001, pursuant to a plea agreement, petitioner entered guilty pleas to two counts of unauthorized use of the identification of another in violation of 18 U.S.C. § 1028(a)(7) and two counts of mail fraud in violation of 18 U.S.C. § 1341. (See *United States v. Rianto*, Case No. 1:01-cr-05063-AWI, Doc. Nos. 11, 12.) On September 9, 2002, petitioner was sentenced to a concurrent term of imprisonment of twelve months and a day, a three year concurrent term of supervised release to follow, a \$400 mandatory penalty assessment, and was ordered to pay restitution in the amount of \$10,555.37. (See Doc. No. 3 at 2; see also *United States v. Rianto*, No. 1:01-cr-05063-AWI, Doc. Nos. 31, 32.) On October 14, 2010, petitioner was detained for deportation from the United States. On April 4, 2012, petitioner

1 filed a writ of coram nobis motion, alleging that he had received ineffective assistance of counsel
2 in the underlying federal criminal prosecution. (Doc. No. 1.) On August 4, 2017, this court
3 issued an order denying respondent's motion to dismiss. (Doc. No. 21.) Additionally, the order
4 set this action for a status conference on October 3, 2017 and directed the parties to file status
5 reports with the court by September 19, 2017. (*Id.*)

6 **II. PETITIONER'S MOTION FOR EXTENSION OF TIME TO FILE STATUS REPORT**

7 This matter is now before the court on petitioner's motion for a 45 day extension of time
8 to file his status report regarding his pending petition for writ of coram nobis. On September 15,
9 2017, four days prior to the deadline for filing his status report, petitioner filed a motion
10 requesting an extension of time to November 10, 2017 to do so. (Doc. No. 22.) Petitioner states
11 he is currently in Indonesia and needs the additional time to gather information and seek legal
12 advice prior to filing a status report. (*Id.*) Respondent does not oppose petitioner's request for an
13 extension of time. (Doc. No. 23.) The court will grant the requested extension of time.

14 **III. PETITIONER'S ADDRESS IN INDONESIA**

15 Petitioner states that he needs an extension of time, in part, because he does not have the
16 legal documents related to this case and needs his family to collect and send such documents to
17 him in Indonesia. (Doc. No. 22 at 1.) Currently, petitioner's address of record with the court is:
18 1989 Megan Avenue, Clovis, CA 93611. Respondent requests the petitioner's mailing address in
19 Indonesia so that documents do not need to be forwarded through the petitioner's family. (Doc.
20 No. 23 at 2.) Respondent's request will be granted.

21 **CONCLUSION**

22 Accordingly:

23 1. The status conference in this action is now continued to on November 27, 2017 at 2:15
24 p.m. before the undersigned. Petitioner's motion for extension in time to file a status
25 report (Doc. No. 22) is granted, and both parties shall file status reports in writing with the
26 court no later than November 17, 2017, proposing a schedule for the filing of a motion for
27 evidentiary hearing or expansion of the record and merits briefing in this action, as well as
28 any other matters deemed relevant to the expeditious resolution of the pending petition for

writ of coram nobis. Petitioner is cautioned that any failure on his part to file a status report no later than November 17, 2017, as required by this order, will result in a dismissal of this action due to his failure to prosecute this action and failure to abide by the court's order; and

2. Petitioner shall file a notice of change of address advising the court of his actual mailing address in Indonesia which will become his address of record for service of documents.

IT IS SO ORDERED.

Dated: September 28, 2017

Dale A. Droyd